HONOURABLE SRI JUSTICE GODA RAGHURAM

Review WPMP.(SR) No.54278 OF 2008

&

W.P.No.1195 OF 2007

ORDER:

The Respondents-State has filed this application seeking review of the order dated 23-1-2007 disposing of the Writ Petition at the stage of admission, directing enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') in respect of the land acquired for the expansion of Visakhapatnam Special Economic Zone.

In the affidavit accompanying this application, it is stated that the Writ Petition was disposed of at the stage of admission; that the notification under Section 4(1) of the Act was issued on 6.7.2006; the declaration under Section 6 of the Act was published on 16-11-2006; the Writ Petition was filed much after the issuance of the notification under Section 4(1) of the Act, i.e., on 22-1-2007; and that the award was passed even prior to the institution of the Writ Petition i.e., on 19-12-2006.

In the circumstances, since the award has already been passed, which fact could not be noticed by this Court at the stage of admission, it is considered appropriate to set aside and recall the order dated 23-01-2007 disposing of the Writ Petition at the stage of admission. Accordingly, the Review Petition is ordered.

In view of the circumstances above, since the award was passed on 19-12-2006, prior to the filing of the Writ Petition, on 22-01-2007 challenging the draft notification under Section 4(1) and the Draft declaration under Section 6, dated 15-11-2006, no relief could be granted.

On the analysis above, after recalling the order dated 23-

01-2007 disposing of the Writ Petition, this Writ Petition is now dismissed.

However, it is open to the petitioner to pursue such remedies as advised against the award passed on 19-12-2006.

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Justice GODA RAGHURAM

Dated 04-02-2009
Dvs

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